

REMARKS

I. Introduction

With the withdrawal of claims 28 to 30 without prejudice hereinbelow, claims 1 to 27 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for domestic priority.

II. Response to Election/Restriction

The Office Action acknowledges Applicant's election with traversal of claims 1 to 27 but makes final the restriction requirement. Applicant respectfully disagrees. However for the purposes of expediting the prosecution of this application, Applicant hereby withdraws, without prejudice, claims 28 to 30.

III. Rejection of Claims 1 to 19 and 23 to 27 Under 35 U.S.C. § 103(a)

Claims 1 to 19 and 23 to 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,660,642 ("Britten") in view of U.S. Patent No. 5,171,393 ("Moffat"). Applicants respectfully submit that claims 1 to 19 and 23 to 27 are not unpatentable for at least the following reasons.

Claim 1 relates to a fluid meniscus process. Claim 1 recites that the process includes the step of holding at least a portion of a first surface of an object with a holding fixture, such that at least a portion of a second surface of the object is exposed. Claim 1 has been amended to recite that the process includes the step of injecting at least one liquid in a holding tank such that a fluid meniscus is pre-formed. Support for this amendment can be found, for example, at page 8, line 17 to page 9, line 8, and in Figures 1A to 1D, which describe and illustrate that a meniscus is formed prior to, e.g., pre-formed, the meniscus contacting a surface of an object. Claim 1 also recites that the process includes the step of contacting at least a portion of the second surface of the object with at least a portion of the fluid

meniscus. Claim 1 further recites that the process includes the step of removing the object after at least one contact with the fluid meniscus.

Respectfully, the combination of Britten and Moffat does not render claim 1 unpatentable for at least the reason that the combination of Britten and Moffat does not disclose, or even suggest, all of the limitations of claim 1. Specifically, the combination of Britten and Moffat does not disclose, or even suggest, a fluid meniscus process that includes the step of injecting at least one liquid in a holding tank such that a fluid meniscus is pre-formed, as recited in amended claim 1. As more fully set forth above, the Specification describes that a meniscus is formed prior to, e.g., pre-formed, the meniscus contacting a surface of an object. In contrast, Britten states "[t]he applicator assembly 8 comprises processing applicator 10 and rinse applicator 14, and is placed in close proximity to an inverted substrate surface 26 to be processed, such that the processing fluid 12 and the rinse water 16 both attach to the inverted substrate surface 26, forming menisci." Column 3, lines 18 to 23 (emphasis added). Thus, Britten does not describe that the meniscus is pre-formed prior to the meniscus contacting a surface of the substrate, but rather that a meniscus is formed by the surface of the substrate. Furthermore, Moffat is not relied upon to describe or suggest, and in fact does not describe or suggest, the features not described or suggested by Britten. Specifically, Moffat does not disclose, or even suggest, a fluid meniscus process that includes the step of injecting at least one liquid in a holding tank such that a fluid meniscus is pre-formed, as recited in amended claim 1.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka,

490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). As indicated above, nowhere does the combination of Britten and Moffat disclose, or even suggest, a fluid meniscus process that includes the step of injecting at least one liquid in a holding tank such that a fluid meniscus is pre-formed, as recited in amended claim 1.

Since the combination of Britten and Moffat does not disclose, or even suggest, all of the limitations of claim 1 as more fully set forth above, it is respectfully submitted that the combination of Britten and Moffat does not render obvious claim 1.

Furthermore, it is respectfully submitted that the combination of Britten and Moffat does not render obvious claims 2 to 19 and 23 to 27, which depend from claim 1 and therefore include all of the limitations of claim 1. Thus, it is respectfully submitted that claims 2 to 19 and 23 to 27 are allowable for at least the same reasons that claim 1 is allowable. In re Fine, supra (any dependent claim that depends from a non-obvious independent claim is non-obvious).

Therefore, withdrawal of this rejection, and allowance of claims 1 to 19 and 23 to 27, is respectfully requested.

IV. Rejection of Claim 20 to 22 Under 35 U.S.C. § 103(a)

Claims 20 to 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Britten in view of Moffat and U.S. Patent No. 5,279,703 ("Habberger"). Applicants respectfully submit that claims 20 to 22 are not unpatentable for at least the following reasons.

Respectfully, the combination of Britten, Moffat and Habberger does not disclose, or even suggest, all of the limitations of claim 1, from which claims 20 to 22 ultimately depend. As set forth more fully above, the combination of Britten and Moffat does not disclose, or even suggest, all of the limitations of claim 1. Furthermore, Habberger is not relied upon to describe or suggest, and in fact does not describe or suggest, the features not described or suggested by the combination of Britten and Moffat. Specifically, Habberger does not disclose, or even suggest, a fluid meniscus process that includes the step of injecting at least one liquid in a holding tank such that a fluid meniscus is pre-formed, as recited in amended claim 1.

Since the combination of Britten, Moffat and Habberger does not disclose, or even suggest, all of the limitations of claim 1 as more fully set forth

above, it is respectfully submitted that the combination of Britten, Moffat and Habberger does not render obvious claims 20 to 22, which depend from claim 1 and therefore include all of the limitations of claim 1. It is respectfully submitted that claims 20 to 22 are allowable for at least the same reasons that claim 1 is allowable. In re Fine, supra (any dependent claim that depends from a non-obvious independent claim is non-obvious). Therefore withdrawal of this rejection, and the allowance of claims 20 to 22, is respectfully requested.

V. Conclusion

Applicants respectfully submit that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

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By: 

Respectfully submitted,

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Amendment to the Drawings:

The attached two sheet of drawings includes changes to Figure 6. In Figure 6, incorrectly labeled features 13 and 15 have been corrected.

Attachments: Replacement Sheet - Figure 6

Annotated Sheet Showing Changes - Figure 6

FIG. 2

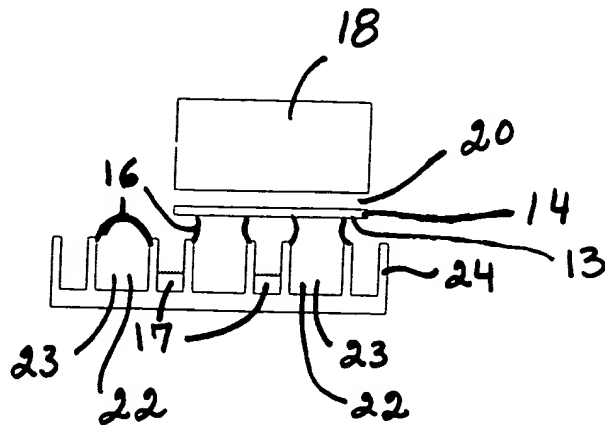


FIG. 3

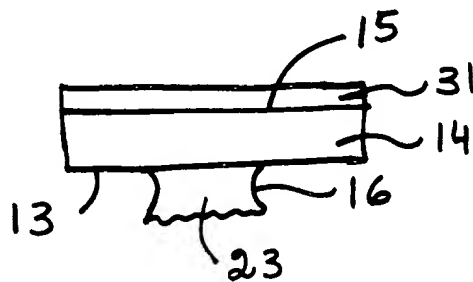


FIG. 4

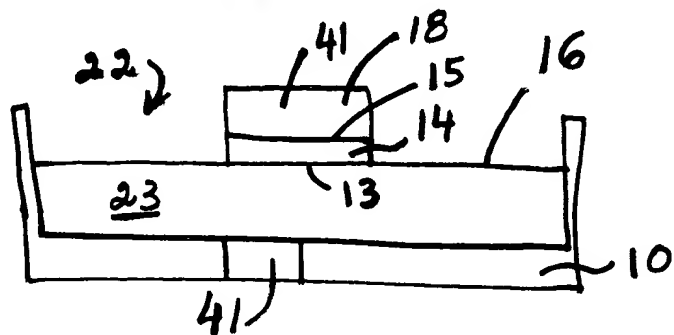


FIG. 5

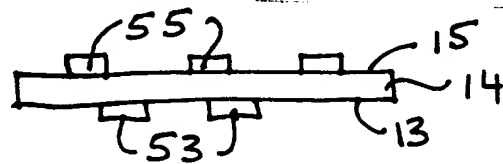


FIG. 6

